IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

Crl.MC.No. 590 of 2007()

CC.290/2000 of ADDL.CHIEF JUDICIAL MAGISTRATE COURT, THALASSERY

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PETITIONER:

K.V.SREEDHARAN,
S/O.SANKARAN, AGED 59 YEARS,
RESIDING AT NARAYANAPURAM, KEEZHANTHIMUKKU,
THIRUVANGAD, THALASSERY TALUK, KANNUR DISTRICT.

BY ADV. SRI.R.SURENDRAN

RESPONDENTS:

STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.PREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.590 of 2007

Dated this the 5th day of March, 2007

ORDER

In the light of the decision in **Girish v. Muthoot Capital Service (P) Ltd.** [2007(1) KLT 16], I find no reason to assume that any Magistrate would refuse to receive the balance of compensation/fine payable and would compel an accused to undergo default sentence even when he is prepared to make the payment. I find it absolutely unnecessary, in these circumstances, to admit this Crl.M.C. If any Magistrate, contrary to the decision in **Girish v. Muthoot Capital Service (P) Ltd. (**supra**)**, were to remand the accused to custody for default in payment even when the accused is prepared to remit the default payment on the date on which he is sought to be committed to prison for the default sentence, such accused will certainly have the option to come before this Court immediately.

2. This Crl.M.C is, in these circumstances, dismissed. But issue a copy of this order to the learned counsel for the petitioner, if necessary, for production before the learned Magistrate.

(R.BASANT, JUDGE)

rtr/-